

立法會
Legislative Council

LC Paper No. CB(2) 1155/04-05(12)

Subcommittee to Study the Streamlining of Food Business Licensing

Views and suggestions made by deputations at the meeting on 5 March 2005

Subject	Deputations' views and suggestions (LC Paper No. of submission if applicable)	Administration's response at the meeting
I. Licensing process		
I(a) Application processing time	<p><u>Hong Kong Federation of Restaurants & Related Trades</u> [CB(2)966/04-05(01)]</p> <p>The licensing process was cumbersome and complicated. It would normally take one and a half months and six months respectively for issuing a provisional licence and full licence. Some food business operators had to commence operation before obtaining the requisite licences to avoid losses due to high rental of premises, and the fine, if any, was regarded as operating cost. The licensing process should be further streamlined. In Japan, a food licence was issued within two to three days.</p> <p><u>Hong Kong Catering Industry Association</u> [CB(2) 1007/04-05(02)]</p> <p>Given that the food business operators have to invest a lot of money in renting the premises, they would endeavour to comply with the licensing requirements after being issued with a provisional licence. As a provisional licence was normally issued two to three months after submission of</p>	<p>The Administration advised that –</p> <ul style="list-style-type: none">(a) The shortest possible time for an applicant to be granted a provisional licence for restaurant was 21 working days. As for other types of food licence, the shortest possible date for issuing a licence ranged from 11 to 31 days.(b) There were pledges for the departments concerned to process applications.(c) To streamline the licensing process did not mean lowering the requirements for food and building safety.(d) Issuance of the provisional licence was to facilitate the applicants to take steps to comply with the requirements of a full licence. The time required for issuance of a provisional or full licence hinged on

<p>application, the Administration should further shorten the time for issuing a provisional licence.</p> <p>The Association also urged for further streamlining of the licensing process. It pointed out that a food licence could be issued in one week's time in Japan.</p> <p><u>Association of Restaurant Managers Limited</u> [CB(2) 1007/04-05(01)]</p> <p>The licensing process was cumbersome and complicated. It would normally take one and a half months to three months for processing a provisional licence. In case the applicant was required to submit a revised layout plan, the processing time was sometimes longer than vetting a new application.</p> <p><u>A S Watson Group – PARKnSHOP</u> [CB(2) 966/04-05(02)]</p> <p>According to its experience, provisional licences were normally issued in two to three months' time, and full licences were issued in about five months.</p> <p>It suggested that applications should be accepted before the building works of the food premises were completed, and a site inspection could be conducted after completion of the building works to verify the drawings and documents.</p> <p><u>Cambo Thai Restaurant Limited</u></p> <p>After obtaining a provisional licence, an applicant had to</p>	<p>the responsiveness of the applicants in complying with the licensing requirements.</p> <p>(e) The licensing regime in Hong Kong was different from that in Japan.</p>
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wait for nearly six months to get a full licence even though he had complied with the basic requirements. The processing time should be shortened.

De Rodeo Catering Limited

[CB(2) 966/04-05(06)]

The licensing process was cumbersome. The site inspection conducted by Food and Environmental Hygiene Department (FEHD) after the renovation works to check compliance with the layout plan was unnecessary, as the layout plan had provided all the information required. Dispensing with the site inspection could shorten the processing time for licence applications. The licensing authority could take prosecution action if the licensee provided false information in the layout plan.

California Red Limited

[CB(2) 999/04-05(01)]

The Administration should streamline the licensing process and shorten the processing time.

Maxim's Caterers Limited

[CB(2)1007/04-05(03)] (written submission only)

The present licensing system was quite time consuming.

I(b) Applications for alteration of layout	<p><u>Hong Kong Federation of Restaurants & Related Trades</u> [CB(2)966/04-05(01)]</p> <p>The licensing authority should compile a list of qualified contractors who were well-versed with the licensing requirements.</p> <p>The licensing authority should also maintain a record on premises which were unsuitable for operation of food business for public reference.</p> <p><u>Hong Kong Catering Industry Association</u> [CB(2) 1007/04-05(02)]</p> <p>The industry expressed much concern about the lack of transparency and the long time taken (half to one year) for the departments to study the revised layout plan submitted by the applicant.</p> <p>The Association suggested that if the alteration did not involve structural change to the premises, the licensing authority should allow the alteration to take place, and the revised layout plan could be submitted later.</p> <p><u>Association of Restaurant Managers Limited</u></p> <p>BD lacked flexibility in checking compliance with the layout plan, e.g. any alteration before BD site inspection would not be approved.</p>	<p>The Administration advised that –</p> <ul style="list-style-type: none">(a) Buildings Department (BD) and Fire Services Department (FSD) had made available lists of Authorised Persons and professionals for the industry's reference.(b) Building safety requirements were laid down in Annex K of the application form for food licence.(c) The Administration planned to introduce a legislative proposal to the effect that alteration of food premises would be regarded as minor works projects and accepted on certifications by Authorized Persons. In the meantime, to save application time, the applicant might submit the layout plan and apply approval for commencement of building works simultaneously.
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	<p><u>A S Watson Group – PARKnSHOP</u> [CB(2) 966/04-05(02)]</p> <p>According to its experience, the departments took two to three months for granting approval of minor changes to layout plans, and up to five months for major changes.</p> <p>A simple and fast system should be adopted, and provisional approval be given, if necessary, within 7 days.</p>	
I(c) Approving authority	<p><u>Hong Kong Federation of Restaurants & Related Trades</u> [CB(2) 966/04-05(01)]</p> <p>The Administration should set up the food business licensing board to provide a one-stop service to the applicants.</p> <p><u>Hong Kong Catering Industry Association</u> [CB(2) 1007/04-05(02)]</p> <p>A food business licensing board should be set up, modelled on the Home Affairs Department licensing services for clubhouses, to provide one-stop service to the industry. Staff members of the departments concerned should be seconded to the board.</p> <p><u>A S Watson Group – PARKnSHOP</u> [CB(2) 966/04-05(02)]</p> <p>A single licensing unit accommodated in one office within FEHD should be set up. Its staff should be seconded from other government departments concerned.</p>	The Administration advised that a “Case Manager” scheme had been implemented under which the case manager acted as a coordinator between the applicant and the departments concerned.

Tsui Wah Restaurant

The Administration should expedite the setting up of a single licensing office for food businesses, as the current licensing process was not user-friendly.

De Rodeo Catering Limited
[CB(2) 966/04-05(06)]

A food licensing board should be set up and supported by staff seconded from departments concerned.

Entertainment Business Rights Concern Group

A single licensing office should be formed under FEHD with staff seconded from departments concerned.

California Red Limited
[CB(2) 999/04-05(01)]

A one-stop licensing service is suggested.

Maxim's Caterers Limited
[CB(2) 1007/04-05(03)] (written submission only)

To streamline the licensing procedure, a statutory department or council should be established to handle food licensing matters.

II. Licensing conditions and requirements	<p><u>Hong Kong Federation of Restaurants & Related Trades</u> [CB(2) 966/04-05(01)]</p> <p>Licensing requirements for food premises should be independent of the hygienic requirements.</p> <p><u>Hong Kong Catering Industry Association</u> [CB(2) 1007/04-05(02)]</p> <p>The Administration should rationalise the different or inconsistent licensing requirements or regulations among different departments, e.g. regulations governing the opening of fire exits of factory canteens were outdated.</p> <p>The licensing authority should advise the applicants whether certain premises had been designated for use other than food businesses.</p>	
	<p><u>Hong Kong Japanese Restaurants Association</u> [CB(2)966/04-05(03)]</p> <p>It was difficult for potential restaurateurs to understand the licensing requirements for sashimi.</p>	Foods to be eaten raw were regarded as high-risk food.
	<p><u>Rainbow Seafood Restaurant</u></p> <p>The departments concerned adopted a rigid approach in applying the regulations, e.g. provision of toilets and sprinklers, to food premises located in village houses on outlying islands. Fresh seawater should also be allowed to be used for keeping live seafood.</p>	The Administration would look into the individual cases mentioned by the deputation.

	<p><u>De Rodeo Catering Limited</u> [CB(2) 966/04-05(06)]</p> <p>For food premises in the Housing Authority estates, the licensing authority still required the applicant to provide proof that the operator had complied with the building safety requirements, e.g. thickness of the wall, whereas food premises in commercial premises could largely rely on certifications by Authorized Persons.</p>	<p>HD played a dual role as the property owner and authority for building safety of premises in the Housing Authority estates. HD held meetings with the applicants and their building contractors to discuss the building safety requirements. HD would consider ways to further shorten the processing time.</p>
	<p><u>Entertainment Business Rights Concern Group</u></p> <p>The licensing authority should make public the criteria for issuing food licences for reference by potential restaurateurs.</p> <p><u>California Red Limited</u></p> <p>The licensing authority should devise guidance notes to the industry on how to meet the specific requirements and conditions for different types of food licences.</p> <p><u>Maxim's Caterers Limited</u> [CB(2) 1007/04-05(03)] (written submission only)</p> <p>The Code of Practice and regulations of BD were meant for all buildings in Hong Kong, and not tailor-made for food businesses. It was difficult for food businesses to comply with all the requirements, and exemption should be granted in some cases.</p>	

III. Enforcement	<p><u>Hong Kong Catering Industry Association</u> [CB(2) 1007/04-05(02)]</p> <p>The authority should step up enforcement against illegal operation of private kitchens and “upstairs” coffee shops.</p> <p>The authorities should review the need for conducting frequent inspections of food premises as these were rather disturbing.</p> <p><u>California Red Limited</u> [CB(2) 999/04-05(01)]</p> <p>Different departments applied different standards during site inspections. The standard also varied among districts. Clear guidelines for the Demerit Points System and site inspections should be drawn up. An appeal mechanism should also be put in place.</p>	
IV. Types of licences	<p><u>Hong Kong Catering Industry Association</u> [CB(2) 1007/04-05(02)]</p> <p>The Administration should review the categorisation of food licences which could be classified by types of food and services. For example, a general restaurant licence would be required only for operating restaurants, coffee shops and fast food shops. However, as the operation and products of these food premises differed greatly, they should not be subject to the same set of licensing requirements.</p>	

	<p><u>A S Watson Group – PARKnSHOP</u> [CB(2) 966/04-05(02)]</p> <p>The Administration should introduce a new general supermarket licence in place of the 19 individual licences required for a supermarket or superstore.</p>	<p>The Administration would seek legal advice and further consider the suggestion of a general supermarket licence.</p> <p>The Subgroup on Business Facilitation established under the Economic and Employment Council had formed a Retail Task Force to review the number of licences involved in the operation of catering/food and supermarkets/chain stores.</p>
	<p><u>Association of Restaurant Managers Limited</u> [CB(2) 1007/04-05(01)]</p> <p>It was cumbersome to apply for a number of licences for operating a restaurant, e.g. a general restaurant licence, bakery licence, siu mei/lo mei licence and liquor licence.</p> <p><u>De Rodeo Catering Limited</u> [CB(2) 966/04-05(06)]</p> <p>The deputation questioned the need for a licensed food premises to also apply for a bakery licence and provide a separate area for baking inside the premises.</p> <p><u>Maxim's Caterers Limited</u> [CB(2) 1007/04-05(03)] (written submission only)</p> <p>It was cumbersome to apply for different types of licence and permits for operating one single food premises.</p>	

IV(a) Siu mei/lo mei shop licence	<p><u>A S Watson Group – PARKnSHOP</u> [CB(2) 966/04-05(02)]</p> <p>The siu mei/lo mei licence should be combined with the food factory licence.</p>	The Administration advised that siu mei and lo mei were regarded as high-risk ready-to-eat food. However, it would consider deputations' views.
	<p><u>Hong Kong Japanese Restaurants Association</u></p> <p>It was an outdated practice to require separate licence/permit for selling siu mei/lo mei in licensed food premises.</p>	
IV(b) Liquor Licences	<p><u>Hong Kong Catering Industry Association</u> [CB(2) 1007/04-05(02)]</p> <p><u>Association of Restaurant Managers Limited</u> [CB(2) 1007/04-05(01)]</p> <p>The industry expressed grave concern that liquor licences had to be applied by an individual, and not a company. The arrangement was inflexible and caused much inconvenience to the operation of the food business industry as the individual licensees might not be able to exercise his duties because of illness, leave or resignation. It suggested that licensee of a liquor licence should be the food premises where liquor was sold.</p> <p>The Liquor Licensing Board should enhance its transparency in vetting applications.</p>	More stringent requirements were imposed on the liquor licence application and the public might raise objections to any application. The proposal of holding liquor licence in the name of a company would give rise to enforcement difficulties as a liquor licensee was required to be present at the food premises when liquor was sold but legislative amendments would be required. The Administration would consider the deputations' proposal.

Hong Kong Japanese Restaurants Association
[CB(2)966/04-05(03)]

The licensing process was complicated. Different types of liquor licences should be issued for night clubs, pubs and restaurants.

Tso Heung Holding Limited
[CB(2) 966/04-05(04)]

Corporate licensees or designated company officials (licensee's deputy) should be allowed to hold liquor licences.

To facilitate the operation of food premises, liquor licences should be issued together with the provisional/full licences.

Xin Cuisine

At present, an application for a liquor licence was sometimes approved several months after a provisional/full licence had been issued. To facilitate the operation of the industry, liquor licences and provisional/full licences should be issued at the same time.

De Rodeo Catering Limited
[CB(2) 966/04-05(06)]

Liquor licences and provisional/full licences should be granted to the applicant at the same time.

	<p><u>Entertainment Business Rights Concern Group</u></p> <p>Corporate licensees or designated company officials should be allowed to apply for liquor licences.</p> <p>The Liquor Licensing Board should enhance its transparency by making public the considerations for rejecting an application (e.g. proximity to residential areas, limitation on liquor selling time), and the progress of vetting an application for liquor licence. The Board should also specify the time limit for raising objection to an application.</p> <p><u>California Red Limited</u> [CB(2) 999/04-05(01)]</p> <p>Corporate licensees or designated company officials should be allowed for holding liquor licences.</p>	
IV(c) Factory Canteen Licences	<p><u>King Bakery</u> [CB(2) 966/04-05(05)]</p> <p>The licensing requirements for factory canteen licences were outdated, e.g. it was impractical to permit only those working in the factories in the same building to patronise the canteen, and require the entrance of factory canteen must face the interiors of the building. The licensing conditions for factory canteen licence were rather harsh, and the licence would be cancelled if FEHD had taken prosecution action against the operator thrice.</p>	A food licence would not be issued to a food premises inside a factory. The restrictions imposed on factory canteen licensee was made from fire safety consideration.

	<p><u>De Rodeo Catering Limited</u> [CB(2) 966/04-05(06)]</p> <p>It was impractical to permit only those working in the factories in the same building to patronise the canteen.</p>	
IV(d) Food Factory Licences	<p><u>Swire Beverages Limited</u> [CB(2) 999/04-05(02)] (written submission only)</p> <p>The applicant should be a corporate organisation or a designated company official, instead of an individual.</p>	
IV(e) Licence for selling restricted food in school tuck shops	<p><u>Swire Beverages Limited</u> [CB(2) 999/04-05(02)](written submission only)</p> <p>Although school tuck shops were exempted from applying for a Food Factory Licence, different requirements for exemption were adopted by different district inspectors. FEHD should issue clear guidelines to the district offices.</p> <p>Instead of submitting applications for Milk, Sushi and Frozen Confectionery Licences for operating school tuck shops, one general licence should be issued covering the different types of restricted food.</p>	

V. Hygiene Manager (HM) and Hygiene Supervisor (HS) Scheme	<p><u>Hong Kong Federation of Restaurants & Related Trades</u> [CB(2) 966/04-05(01)]</p> <p>The Administration should enhance education on food safety of operators of food premises.</p> <p><u>Association of Restaurant Managers Limited</u> [CB(2) 1007/04-05(01)]</p> <p>The industry expressed concern about the implementation of HM and HS Scheme as there was high staff turnover in the trade. The Administration should enhance food safety education instead.</p> <p><u>Hong Kong Japanese Restaurants Association</u></p> <p>Training courses for HMs and HSs should also be offered in Japanese.</p> <p><u>Rainbow Seafood Restaurant</u></p> <p>The Administration should encourage the voluntary participation of the trade in HM and HS Scheme.</p>	<p>The Administration advised that up to January 2005, over 6 300 HMs and 29 000 HSs had undergone the required training courses. Training courses would be on-going.</p> <p>The Administration would consider the request.</p>
VI. Inconsistency practices adopted by the licensing authority	<p><u>A S Watson Group – PARKnSHOP</u> [CB(2) 966/04-05(02)]</p> <p>The method for licence fee calculation and notice of payment in urban areas and the New Territories were different. An efficient and consistent method should be adopted.</p>	<p>A new computer system would be put into use in May 2005, and then a uniform application procedures would be adopted for urban areas and the New Territories.</p>

	<p><u>Federal Restaurants (Group) Limited</u></p> <p>The licensing authority should reconcile the inconsistent methods for calculating the gross floor area of food premises and the kitchens.</p>	
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